

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
BLUEFIELD DIVISION

UNITED STATES OF AMERICA

v.

Criminal Case No.: 1:10-00185-06

DAVID CROCKETT

MEMORANDUM OPINION AND ORDER

Pending before the court is defendant's motion to expunge his criminal record, filed August 3, 2015. (Doc. No. 417). The defendant seeks to expunge the record related to his 2011 conviction for violation of 21 U.S.C. § 843(b). Defendant argues that he has had difficulty finding gainful employment due to his federal conviction.

In the absence of a federal statute authorizing expungement, federal courts, in their exercise of ancillary jurisdiction, may grant a motion to expunge only where extreme or exceptional circumstances exist. United States v. Steelwright, 179 F. Supp. 2d 567, 572-73 (D. Md. 2002) (citing Geary v. United States, 901 F.2d 679, 679-80 (8th Cir. 1990)); see also Allen v. Webster, 742 F.2d 153, 155 (4th Cir. 1984) ("[C]ourts must be cognizant that the power to expunge is a narrow one, and should not be routinely used whenever a criminal prosecution ends in an acquittal, but should be reserved for the unusual or extreme case.") (internal citations and quotations omitted). As one court opined, "[a]lthough a nebulous concept, 'extreme or exceptional circumstances' has been characterized as occurring, for example,

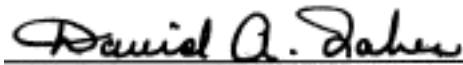
when the underlying arrest and conviction has been the result of official misconduct or the denial of constitutional rights." Steelwright, 179 F. Supp. 2d at 574.

Because the court finds no extreme or exceptional circumstances have been demonstrated, defendant's motion to expunge is **DENIED**.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to counsel of record and to defendant.

It is SO ORDERED this 14th day of August, 2015.

Enter:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge